

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

KATYRECE S. HALL,

PLAINTIFF,

v.

**LEONARD ROSS CRANE,
MAYTAG SALES, INC., and
fictitious parties A - D,**

DEFENDANTS.

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2006 JUN 30 P 4:04

U.S. DISTRICT COURT
MIDDLE DISTRICT ALA.

Civil Action No.: 2:06CV588-F

NOTICE OF REMOVAL

COMES NOW Maytag Sales Company, (improperly named Maytag Sales, Inc. and hereinafter referred to as "Maytag") Defendant in the above-styled lawsuit and pursuant to U.S.C. §1441(a), file this Notice of Removal of this cause from the Circuit Court for Montgomery County, Alabama to the United States District Court for the Middle District of Alabama, Northern Division. As grounds for the removal of this cause to this Honorable Court, this Defendant shows unto the Court as follows:

1. On May 26, 2006, the Plaintiff commenced this action in the Circuit Court for Montgomery County, Alabama. The Plaintiff states in her Complaint that she resides in Montgomery, County, Alabama. A copy of the Plaintiff's Complaint is attached hereto as Exhibit "A".

2. Defendant Maytag received service of process of the Plaintiff's Summons and Complaint on or about June 6, 2006. Maytag has not filed an Answer or any other pleading in the Circuit Court of Montgomery, County, Alabama. Defendant Maytag is a foreign

corporation. Said corporation is incorporated in the state of Delaware and has its principal place of business in Benton Harbor, Michigan.

3. Based on information and belief, Defendant Crane has not received service of process of the Plaintiff's Summons and Complaint. However, if he has been served, it could not be any earlier than June 1, 2006, since the Summons and Complaint was not mailed until May 31, 2006 (see attached Alacourt case action summary). Crane has filed no answer or any other responsive pleading in the Circuit Court. He is a resident of the State of Iowa, a state other than the State of Alabama. When served, the undersigned will also represent Crane and file responsive pleadings on his behalf. To the extent he has been served, Crane consents to said removal.

4. The Plaintiff names fictitious Defendants in her Complaint. For purposes of removal, "the citizenship of Defendants sued under fictitious shall be disregarded. *See* 28 U.S.C. §1441(a).

5. Diversity of citizenship exists in this matter. *See* 28 U.S.C. §1332(a)(1).

6. The Plaintiff's Complaint contains a demand for compensatory damages and punitive damages in the amount of \$200,000.00. Therefore, the amount in controversy, exclusive of interest and costs, is in excess of \$75,000.00.

7. Based upon the amount in controversy and diversity of citizenship, this Court has original jurisdiction over this cause pursuant to 28 U.S.C. §1332(a)(1).

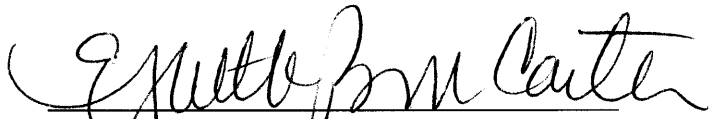
8. Pursuant to 28 U.S.C. §1446(b) the Removal of this cause to the court is timely.

9. Pursuant to 28 U.S.C. §1446(d), the Defendant Maytag has given written notice of the filing of this Removal to the Plaintiff. The Defendant has also filed a copy of

said Notice with the Clerk of the Circuit Court for Montgomery County, Alabama. See Exhibit "B" and "C".

WHEREFORE, the above premises having been considered, this Defendant requests this Court to make and enter the proper orders to effectuate the removal of this cause from the Circuit Court of Montgomery County, Alabama to the United States District Court for the Middle District of Alabama, Northern Division, and that no further or other proceedings shall be had with respect to this cause in the Circuit Court for Montgomery County, Alabama.

Respectfully submitted this the 30th day of June, 2006.



RANDALL MORGAN [8350-R-70-R]
ELIZABETH BRANNEN CARTER[3272-C-38E]
ATTORNEYS FOR DEFENDANT
MAYTAG SALES COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by placing a copy of same in the United States Mail, first-class postage prepaid, on this the 30th day of June, 2006:

Attorneys for Plaintiff:

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OF COUNSEL